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13 Attorneys for Defendant
 14 CITY AND COUNTY OF SAN FRANCISCO

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 ROBERT CRUZ and DARWIN DIAS,
 18 Plaintiffs,
 19 vs.
 20 CITY AND COUNTY OF SAN
 21 FRANCISCO, DOES 1-10, Inclusive,
 22 Defendants.

Case No. C08-00244 MEJ (BZ)

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE TRIAL DATE
AND RELATED PRETRIAL
DEADLINES**

Date Action Filed: January 14, 2008
 Trial Date: May 18, 2009

1 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request
2 modification of the Court's April 23, 2008 Case Management and Pretrial Order as follows:

- 3 • Disclosure of Experts (retained and non-retained): Monday, December 22, 2008
- 4 • Disclosure of Rebuttal Experts: Friday, January 2, 2009
- 5 • Non-Expert Discovery Cutoff: Monday, January 12, 2009
- 6 • Expert Discovery Cutoff: Monday, January 12, 2009
- 7 • Dispositive Motions to Be Filed By: Monday, February 9, 2009
- 8 • Dispositive Motions to Be Heard By: Thursday, March 19, 2009
- 9 • Meet & Confer re: Joint Pretrial Statement: Monday, May 18, 2009
- 10 • Joint Pretrial Statement to be Filed: Monday, June 1, 2009
- 11 • Motions *in Limine* to be Filed: Monday, June 1, 2009
- 12 • Oppositions to Motions *in Limine* to be Filed: Monday, June 8, 2009
- 13 • Trial Briefs, Joint Voir Dire, and Jury Instructions to be filed: Tuesday, June 16, 2009
- 14 • Pretrial Conference: Thursday, June 18, 2009 at 10:00 a.m.
- 15 • Final Pretrial Conference: Thursday, July 16, 2009 at 10:00 a.m.
- 16 • Trial Date: Monday, July 20, 2009, Courtroom B, 15th Fl.

17 The parties make this request based on the following circumstances:

- 18 1. The parties, having attended a Settlement Conference with Honorable Magistrate
19 Judge Bernard Zimmerman on August 22, 2008, are continuing to negotiate a
20 resolution of this action.
- 21 2. The parties believe a 60-day extension of the trial date and all related pre-trial
22 deadlines will promote their settlement efforts. If the dates are not continued, the
23 upcoming discovery cutoff will compel the parties to begin immediate full discovery
24 in preparation for summary judgment and other motion work. The increase in fees and
25 costs resultant from this work would make the case much less likely to settle.
- 26 3. The parties therefore request continuation of the trial date and pretrial deadlines as set
27 forth above.

**SIGNATURE PAGE TO STIPULATION AND [PROPOSED] ORDER TO CONTINUE
TRIAL DATE AND RELATED PRETRIAL DEADLINES**

STIPULATED AND AGREED:

Dated: August 27, 2008

DENNIS J. HERRERA
City Attorney
DANNY CHOU
Chief of Complex and Special Litigation
JAMES M. EMERY
Chief of Complex Litigation
ERIN BERNSTEIN
Deputy City Attorney

By: //s//
ERIN BERNSTEIN

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

Dated: August 27, 2008

PAUL REIN
JULIE OSTIL

By: JULIE OSTIL

Attorneys for Plaintiffs
~~ROBERT CRUZ AND DARWIN DIAS~~

Dated: August 28, 2008

